

Served: November 21, 2003



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation
on the 18th day of November, 2003

Application of

RELIANT AIRLINES, INC.

and

KALITTA CHARTERS II, LLC

for transfer of certificate authority under 49 U.S.C.
41105

Docket OST-2003-14525 - 12

ORDER CONFIRMING ORAL ACTION and ISSUING EFFECTIVE CERTIFICATES

By Order 2003-8-18, served August 14, 2003, the Department found Kalitta Charters II, LLC (KC II) fit to engage in interstate and foreign charter air transportation of property and mail and transferred to it the domestic cargo charter authority previously held by Reliant Airlines, Inc. (Reliant). By Order 2003-10-13, served October 15, 2003, the Department transferred the companion foreign cargo charter authority of Reliant to KC II. The authority to operate under these transferred certificates was not to become effective until six (business) days after the Department had received (1) a copy of KCI II's Air Carrier Certificate and Operations Specifications issued by the Federal Aviation Administration (FAA) authorizing such operations, (2) a certificate of insurance evidencing liability insurance coverage meeting the requirements of Part 205 of our rules, (3) a statement describing any changes KC II may have undergone since the issuance of the show cause order in this proceeding,¹ and (4) evidence that KC II continued to have sufficient funding to meet our financial fitness criteria.

On August 14, KC II provided the required certificate of insurance and updated fitness information, along with evidence that it had received FAA authority for interstate cargo charter operations. At the same time, the carrier requested that the Department waive the six-day waiting period so that it could begin conducting revenue air transportation operations as soon as possible.

Our review of the information submitted by KC II revealed no significant changes in the carrier in fitness-related areas and was otherwise satisfactory. Under the circumstances, we concluded that there was no reason not to make its interstate authority effective immediately.

¹ See Order 2003-7-37, issued July 30, 2003.

Therefore, on August 15, we orally advised KC II that its interstate cargo charter certificate was effective on that date. On November 6, KC II received FAA authorization for foreign cargo charter operations. On November 10, we orally advised the carrier that its foreign certificate would be effective on November 10. By this order, we confirm our oral actions of August 15 and November 10, 2003, making KC II's interstate and foreign certificate authority, respectively, effective on those dates. We will also take this opportunity to reissue the certificates to reflect their effective dates.

ACCORDINGLY, Acting under authority assigned by the Department in its Regulations, 14 CFR 385.12:

1. We confirm our oral action of August 15, 2003, making the interstate cargo charter certificate issued to Kalitta Charters II, LLC, by Order 2003-8-18, effective on that date and reissue the certificate in the attached form to reflect its effective date.
2. We confirm our oral action of November 10, 2003, making the foreign cargo charter certificate issued to Kalitta Charters II, LLC, by Order 2003-10-13, effective on that date and reissue the certificate in the attached form to reflect its effective date.
3. Should Kalitta Charters II, LLC, propose to operate more than two aircraft, we direct it to first notify the Department in writing at least 45 days prior to the proposed operations and demonstrate its fitness for such operations before their commencement.
4. We direct Kalitta Charters II, LLC, to submit to the Air Carrier Fitness Division a first-year progress report within 45 days following the end of its first year of operations.²
5. We will serve a copy of this order on the parties listed in Attachment A to this order.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.30, may file their petitions within 10 days of the date of this order.

The action confirmed here was effective when taken and the filing of a petition for review shall not preclude its effectiveness.

By:

RANDALL D. BENNETT
Director

² The report shall include a description of KC II's current operations (number and type of aircraft, principal markets served, total number of full-time and part-time employees), a summary of how these operations have changed during the year, a discussion of any changes it anticipates from its current operations during its second year, current financial statements (including a balance sheet at the end of its first year of flight operations and a 12-month income statement ending that same date), and a listing of current senior management and key technical personnel.

Office of Aviation Analysis

*An electronic version of this document is available on the World Wide Web at
<http://dms.dot.gov>*



**Certificate of Public Convenience and
Necessity
for
Interstate Charter Air Transportation
(as reissued)**

This Certifies That

KALITTA CHARTERS II, LLC

is authorized, subject to the provisions of Subtitle VII of Title 49 of the United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in interstate charter air transportation of property and mail.

This Certificate is not transferable without the approval of the Department of Transportation.

By Direction of the Secretary

*Issued by Order 2003-11-11
On November 18, 2003
Effective on August 15, 2003*

*Randall D. Bennett
Director
Office of Aviation Analysis*



Terms, Conditions, and Limitations

KALITTA CHARTERS II, LLC

is authorized to engage in interstate charter air transportation of property and mail between any point in any State, territory, or possession of the United States or the District of Columbia, and any other point in any of those entities.

This authority is subject to the following provisions:

- (1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.*
- (2) The holder is not authorized to carry passengers (other than cargo attendants accompanying freight shipments).*
- (3) The holder's authority under this certificate is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA), and comply with all U.S. Government requirements concerning security.*
- (4) The holder shall at all times remain a "Citizen of the United States" as required by 49. U.S.C. 40102(a)(15).*
- (5) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of Title 49 of the United States Code or the Department's regulations shall be sufficient grounds to revoke this certificate.*
- (6) The holder is not authorized to engage in air transportation operations between points within the State of Alaska.*
- (7) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(l)), it must first comply with the requirements of 14 CFR 204.5.*

** This certificate is being reissued to reflect its effective date.*

(8) *In the event that the holder commences but subsequently ceases all operations for which it was found "fit, willing, and able," its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may neither recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.*



**Certificate of Public Convenience and
Necessity
for
Foreign Charter Air Transportation
(as reissued)**

This Certifies That

KALITTA CHARTERS II, LLC

is authorized, subject to the provisions of Subtitle VII of Title 49 of the United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in foreign charter air transportation of property and mail.

This Certificate is not transferable without the approval of the Department of Transportation.

By Direction of the Secretary

*Issued by Order 2003-11-11
On November 18, 2003
Effective on November 10, 2003*

*Randall D. Bennett
Director
Office of Aviation Analysis*



Terms, Conditions, and Limitations

KALITTA CHARERS II, LLC

is authorized to engage in foreign charter air transportation of property and mail:

Between any place in the United States and any place outside thereof.

This authority is subject to the following provisions:

- (1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.*
- (2) The holder is not authorized to carry passengers (other than cargo attendants accompanying freight shipments).*
- (3) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any orders of the Department of Transportation issued under them or for the purpose of requiring compliance with them.*
- (4) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.*
- (5) The holder's authority under this certificate is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA), and comply with all U.S. Government requirements concerning security.***
- (6) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).*

** This certificate is being reissued to reflect its effective date.*

*** To assure compliance with all applicable U.S. Government requirements concerning security, the holder shall, before commencing any new service (including charter flights) to or from a foreign airport, contact its Principal Security Inspector (PSI) to advise the PSI of its plans and to find out whether the Transportation Security Administration has determined that security is adequate to allow such airport(s) to be served.*

(7) *The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of Title 49 of the United States Code or the Department's regulations shall be sufficient grounds to revoke this certificate.*

(8) *Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(l)), it must first comply with the requirements of 14 CFR 204.5.*

(9) *In the event that the holder commences but subsequently ceases all operations for which it was found "fit, willing, and able," its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may neither recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.*

**SERVICE LIST FOR KALITTA CHARTERS II, LLC
AND RELIANT AIRLINES, INC.**

Mr. Tom J. Warner
General Manager
Kalitta Charters II, LLC
843 Willow Run Airport
Ypsilanti, Michigan 48198

Manager
Flight Standard District Office
Willow Run Airport - East Side
8800 Beck Road
Belleville, Illinois 48111

Mr. Peter Lynch
Asst. Chief Counsel for
Enforcement, AGC-300
Federal Aviation Administration
800 Independence Ave., S.W.
Washington, D.C. 20591

Mr. Richard Dutton
Asst. Manager, CSET
Federal Aviation Administration
AFS-900, Suite 203B
45005 Aviation Drive
Dulles, Virginia 20166-7537

Mr. Reese Zantop
C/o Ehlich, Foley & Serwer, P.C.
Fred A. Foley, Esq.
810 Wabeek Bldg.
280 West Maple Rd.
Birmingham, Michigan 48009

Mr. Don Bright
Acting Director, Office of Airline
Information, K-25
Department of Transportation
400 7th Street S.W.
Washington, D.C. 20590

Regional Counsel, AGL-7
Federal Aviation Administration
Great Lakes Region Hq.
O'Hare Office Lake Center
2300 East Devon Avenue
Des Plaines, Illinois 60018

Manager
Flight Standards Division, AGL-200
Federal Aviation Administration
Great Lakes Region Hq.
O'Hare Office Lake Center
2300 East Devon Avenue
Des Plaines, Illinois 60018